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Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 SP-02 AID-05 EB-07 NSC-05 CIEP-02

TRSE-00 SS-15 STR-04 OMB-01 CEA-01 L-03 H-02 CIAE-00

COME-00 FRB-01 INR-07 NSAE-00 USIA-15 XMB-04 OPIC-06

LAB-04 SIL-01 PA-02 PRS-01 IO-10 SAJ-01 EUR-12 TAR-01

SAM-01 /124 W
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R 140400Z JUN 75
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 4439
INFO USLO PEKING
AMEMBASSY TAIPEI
AMCONSUL HONG KONG

UNCLAS SECTION 1 OF 3 MANILA 8143/1

E.O. 11652: NA
TAGS: ETRD, CH, RP
SUBJ: RP/CHINA TRADE AGREEMENT

TEXT OF TRADE AGREEMENT BETWEEN REPUBLIC OF PHILIPPINES AND

PEOPLE'S REPUBLIC OF CHINA FOLLOWS:

QUOTE
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA (HEREINAFTER REFERRED TO AS THE
CONTRACTING PARTIES), DESIROUS OF DEVELOPING AND STRENGTHENING ECONOMIC

AND TRADE RELATIONS BETWEEN THE TWO COUNTRIES ON THE BASIS OF EQUA-
LITY AND MUTUAL BENEFIT, HAVE REACHED AGREEMENT AS FOLLOWS:

ARTICLE I
THE CONTRACTING PARTIES SHALL PROMOTE THE EXPANSION
OF ECONOMIC AND TRADE RELATIONS BETWEEN THE TWO COUNTRIES
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WITHIN THE FRAMEWORK OF THIS AGREEMENT AND OF LAWS AND

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REGULATIONS EFFECTIVE IN THEIR RDBPECTIVE COUNTRIES.

ARTICLE II
THE CONTRACTING PARTIES SHALL GRANT EACH OTHER MOST-FAVORED-NATION TREATMENT ON THE BASIS OF FULL RECIPROCITY WITH RESPECT TO CUSTOMS DUTIES AND OTHER TAXES AND DUTIES APPLICABLE TO TRADE EXCHANGE BETWEEN THE TWO COUNTRIES.
THE PROVISIONS OF THE PRECEDING PARAGRAPH SHALL NOT APPLY TO:
A) PREFERENCES AND ADVANTWGES WHICH EITHER OF THE CONTRACTING PARTIES HAS GRANTED OR MAY GRANT NEIGHBORING COUNTRIES IN ORDER TO FACILITATE THEIR FRONTIER TRADE;

B) PREFERENCES AND ADVANTAGES WHICH RESULT FROM ANY CUSTOMS UNIONS OR FREE TRADE AREAS OR REGIONAL ECONOMIC GROUPINGS TO WHICH EITHER OF THE CONTRACTING PARTIES IS OR MAY BECOME A PARTY.

ARTICLE III
THE IMPORT AND EXPORT OF GOODS/COMMODITIES BETWEEN THE TWO COUNTRIES WILL BE CARRIED OUT IN ACCORDANCE WITH THE LAWS AND RULES IN FORCE IN THEIR RESPECTIVE COUNTRIES AFFECTING IMPORT, EXPORT AND FOREIGN EXCHANGE, AND ON THE BASIS OF COMMERCIAL TRANSACTIONS CONCLUDED BETWEEN TRADE ORGANIZATIONS OR IMPORT AND EXPORT TRADERS OF THE TWO COUNTRIES.
THE IMPORT AND EXPORT OF GOODS LISTED IN SCHEDULES "A" AND "B" ATTACHED TO THIS AGREEMENT SHALL BE ENCOURAGED. THE SAID SCHEDULES MAY BY MUTUAL CONSENT BE AMENDED OR MODIFIED.
THE ABOVE PROVISIONS SHALL NOT PRECLUDE COMMERCIAL TRANSACTIONS IN RESPECT OF GOODS NOT LISTED IN THE SAID SCHEDULES.

ARTICLE IV
THE CONTRACTING PARTIES SHALL ENCOURAGE AND FACILITATE THE CONCLUSION OF LONG-TERM CONTRACTS RELATING TO IMPORTS AND EXPORTS BETWEEN TRADE ORGANIZATIONS AND ENTERPRISES OF THEIR TWO COUNTRIES BASED ON THEIR RESPECTIVE REQUIREMENTS AND POSSIBILITIES IN TRADE, ENERGY AND DEVELOPMENT.

ARTICLE V
ALL CURRENT PAYMENTS FOR TRADE BETWEEN THE TWO COUNTRIES SHALL BE MADE IN FREELY CONVERTIBLE CURRENCIES, SUBJECT TO FOREIGN
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EXCHANGE REGULATIONS EFFECTIVE IN THEIR RESPECTIVE COUNTRIES. THIS DOES NOT, HOWEVER, PRECLUDE OTHER PAYMENT ARRANGEMENTS TO BE AGREED UPON BY BOTH PARTIES TO FACILITATE TRADE.

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TAR-01 SAM-01 /124 W
---------- 043141
R 140400Z JUN 75
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 4440
INFO USLO PEKING
AMEMBASSY TAIPEI
AMCONSUL HONG KONG

UNCLAS SECTION 2 OF 3 MANILA 8143

ARTICLE VI
THE CONTRACTING PARTIES SHALL FACILITATE EACH OTHER'S PARTI-
CIPATION IN TRADE FAIRS TO BE HELD IN EITHER COUNTRY, AND ARRANGING
EXHIBITIONS OF EITHER COUNTRY IN THE TERRITORY OF THE OTHER ON
TERMS TO BE AGREED BETWEEN THE COMPETENT AUTHORITIES.
EXEMPTION FROM CUSTOMS DUTIES AND OTHER SIMILAR CHARGES
OF ARTICLES AND SAMPLES INTENDED FOR FAIRS AND EXHIBITIONS, AS
WELL AS THEIR ENTRY, LEAVING, SALE AND DISPOSITION, SHALL BE
SUBJECT TO THE LAWS OF THE COUNTRY WHERE THE FAIR OR EXHIBITION
IS HELD.

ARTICLE VII
MERCHANG CARGO-BEARING VESSELS OF EITHER CONTRACTING PARTY IN-
CLUDING THEIR CREWS AND CARGOES, SHALL BE GRANTED MOST-FAVOURED-
NATION TREATMENT IN RESPECT OF ENTRY INTO, STAY IN AND DEPARTURE
FROM THE PORTS OF THE OTHER PARTY, AND THE LEVY OF TAXES AND
CHARGES, IN ACCORDANCE WITH THE LAWS, RULES AND REGULATIONS IN
FORCE IN THE SAID OTHER PARTY. EACH CONTRACTING PARTY RESERVES
TO ITS OWN VESSELS THE RIGHT TO ENGAGE IN THE COASTAL TRADE AND
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INLAND SHIPPING.

ARTICLE VIII
THE PROVISIONS OF THIS AGREEMENT SHALL NOT LIMIT THE RIGHT
OF EITHER CONTRACTING PARTY TO ADOPT OR EXECUTE SUCH MEASURES
AS IT FEELS NECESSARY TO PROTECT AND DEVELOP ITS NATINAL
ECONOMY.

ARTICLE IX
THE CONTRACTING PARTIES SHALL ENCOURAGE THE PARTIES CONCERNED
TO SETTLE THROUGH FRIENDLY CONSULTATIONS ANY DISPUTES RELATING
TO THE COMMERCIAL TRANSACTIONS BETWEEN THE TRADE ORGANIZATIONS OR
IMPORT AND EXPORT TRADERS OF THE TWO COUNTRIES. FAILING THIS,
THE PARTIES CONCERNED SHALL SUBMIT THEIR CASES TO ARBITRATION
IN ACCORDANCE WITH CONTRACT PROVISIONS; IN THE ABSENCE OF AN ARBI-
TRATION CLAUSE, THEY SHALL BE ENCOURAGED TO SUBMIT THEIR CASES
TO ARBITRATION BY MUTUAL AGREEMENT. THE ARBITRATION SHALL BE
REFERRED TO THE PERMANENT ARBITRATION BODIES, OR ARBITRATION TRIBU-
NALS PROVISIONALLY ESTABLISHED, OF THE TWO COUNTRIES.

ARTICLE X
THE REPRESENTATIVE OF THE CONTRACTING PARTIES, UPON REQUEST
BY EITHER OF THEM, SHALL IN THE SPIRIT OF CO-OPERATION AND MUTUAL
UNDERSTANDING DISCUSS MEASURES AIMED AT BROADER ECONOMIC AND
TRADE RELATIONS BETWEEN THE TWO COUNTRIES AND SOLUTION OF PROBLEMS
CONNECTED WITH THE IMPLEMENTATION OF THIS AGREEMENT.
THE PLACE AND DATE OF SUCH DISCUSSIONS SHALL BE ESTABLISHED
BY MUTUAL AGREEMENT.

ARTICLE XI
THE PROVISIONS OF THIS AGREEMENT SHALL CONTINUE TO BE APPLIED
AFTER IT HAS EXPIRED TO ALL COMMERICAL TRANSACTIONS CONCLUDED BUT
NOT FULLY PERFORMED BEFORE THE TERMINATION OF THIS AGREEMENT.

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ACTION EA-10

INFO OCT-01 ISO-00 SP-02 AID-05 EB-07 NSC-05 CIEP-02

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FRB-01 INR-07 NSAE-00 USIA-15 XMB-04 OPIC-06 LAB-04

SIL-01 L-03 H-02 PA-02 PRS-01 IO-10 SAJ-01 EUR-12

TAR-01 SAM-01 /124 W

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R 140400Z JUN 75
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 4441
INFO USLO PEKING
AMEMBASSY TAIPEI
AMCONSUL HONG KONG

UNCLAS FINAL SECTION OF 3 MANILA 8143/3

ARTICLE XII
THIS AGREEMENT SHALL COME INTO FORCE ON THE DATE OF ITS SIGNATURE AND SHALL OPERATE FOR A PERIOD OF ONE YEAR. THEREAFTER, IT SHALL AUTOMATICALLY CONTINUE TO BE VALID FOR SUBSEQUENT PERIODS OF ONE YEAR UNLESS A WRITTEN NOTICE OF TERMINATION IS GIVEN BY EITHER CONTRACTING PARTY AT LEAST SIX MONTHS PRIOR TO THE EXPIRATION DATE.

DONE IN PEKING ON JUNE 9, 1975, IN TWO ORIGINAL COPIES EACH IN THE PILIPINO, CHINESE AND ENGLISH LANGUAGES, ALL THE THREE TEXTS BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT
OF THE
REPUBLIC OF THE
PHILIPPINES
VICENTE T. PATERNO

FOR THE GOVERNMENT
UNCLASSIFIED

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OF THE
PEOPLE'S REPUBLIC
OF
CHINA
LI CHANG
END QUOTE
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